

REMARKS

Claims 24 - 43 are pending, and claim 36 has been amended.

Restriction Requirement

The Office Action maintains a restriction requirement and states in support thereof:

The inventions listed as Groups I and 2 do not relate to a single general inventive concept under PCT Rule 13.1 because, The technical features which are common to all three groups... are all taught by WO 97/48890 (Example). Therefore, since the limitations of claims 24-43 fail to define a contribution over WO 97/48890 they fail to contribute a special technical feature and hence there is a lack of unity between the cited claims.

For the purposes of this response, Applicants have provisionally elected Group I, claims 24-35.

The Examiner asserts that the inventions of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because the two groups fail to contribute a special technical feature. However, the expression "special technical feature" is defined in Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (see MPEP §1850, page 1800-98, Sept. 2007). The Examiner's attention is directed to MPEP §1850, page 1800-100 to 1800-101 (Rev. 6, Sept. 2007) where it states:

The method for determining unity of invention under PCT Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

(A) In addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product ...

A process is specially adapted for the manufacture of a product if it inherently results in the product ...

The words "specially adapted" are not intended to imply that the product could not also be manufactured by a different process.

It is submitted that independent claim 24 (Group I) is directed to an article and independent claim 36 (Group II) is directed to a process specially adapted for the manufacture of the article.

Therefore, as indicated above, the inventions of Groups I and II meet the unity of invention requirements of PCT Rule 13. Accordingly, the restriction of at least Groups I and II should be withdrawn and all of claims 24-42 examined together.

Conclusion

Examination and consideration of the application as amended is requested and allowance of claims 24 to 42 at an early date is solicited. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

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Date

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